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\*Admitted only in Maryland  
\*Admitted only in Virginia  
\*Admitted only in Texas  
\*Practice Limited to Federal Agencies

February 20, 2003

**WRITER'S DIRECT NUMBER:**  
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**INTERNET ADDRESS:**  
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Commissioner for Patents  
Washington, D.C. 20231

**Hand-Carry to Examiner O. Chernyshev**  
**Art Unit 1646**

Re: U.S. Utility Patent Application  
Appl. No. 09/817,229; filed March 27, 2001  
For: **Method for Effecting Neuroprotection**  
Inventors: Ferguson *et al.*  
Our Ref: 1669.0040001/SRL/BLS

RECEIVED  
FEB 20 2003  
PM 4:05  
COMMUNICATIONS SECTION

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal (Form PTO/SB/17);
2. Petition For Extension of Time Under 37 C.F.R. § 1.136(a)(1);
3. Notice of Appeal From the Examiner to the Board of Patent Appeals and Interferences - Small Entity;
4. Amendment and Reply Under 37 C.F.R. § 1.116, with Exhibits A and B and copies of Documents AC1 and AR2; and
5. PTO-2038 Credit Card Payment Form for \$625.00 to cover:  
  
\$465.00 Extension for response within third month (37 C.F.R. § 1.17(a)(3)); and  
160.00 Notice of appeal (37 C.F.R. § 1.17(b)).

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are

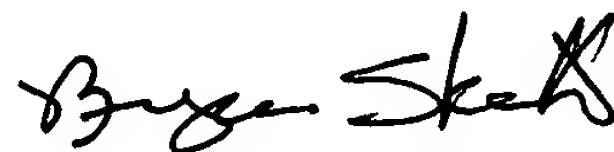
Commissioner for Patents  
February 20, 2003  
Page 2

necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Bryan L. Skelton, Ph.D.  
Agent for Applicants  
Registration No. 50,893

BLS/dab  
::ODMA\MHODMA\SKGF\_DC1;103357;1  
Enclosures

# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT (\$)** 625.00

## Complete if Known

Application Number	09/817,229
Filing Date	March 27, 2001
First Named Inventor	Ferguson et al.
Examiner Name	Chernyshev, O.
Group Art Unit	1646
Attorney Docket No.	1669.0040001/SRL/BLS

## METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☒ Other\*\* ☐ None

☐ Deposit Account  
Deposit Account Number 19-0036

Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any over payments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

\*\* Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1105	160	2005	80	Provisional filing fee	

**SUBTOTAL (1) (\$)** -0-

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra	Fee from below	Fee Paid
Total Claims 10 - 22** =	X		
Indep. Claims 1 - 3** =	X		
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)** -0-

\*\*or number previously paid, if greater; For Reissue, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1502	50	2052	25	Surcharge-late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	465
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	160
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 625.00

## SUBMITTED BY

Name (Print/Type)

Bryan L. Skelton

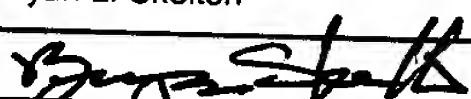
Registration No.  
(Attorney/Agent)

50,893

Complete (if applicable)

Telephone 202-371-2600

Signature



Date

Feb. 20, 2003

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



**Sterne Kessler  
Goldstein Fox**  
ATTORNEYS AT LAW



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\* Admitted only in Maryland  
\* Admitted only in Virginia  
\* Admitted only in Texas

TECHNICAL

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1646  
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#9A  
WMS  
6/19/02

June 11, 2002

WRITER'S DIRECT NUMBER:  
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Commissioner for Patents  
Washington, D.C. 20231

**Art Unit 1646**

Re: U.S. Utility Patent Application  
Appl. No. 09/817,229; filed March 27, 2001  
For: **Method for Effecting Neuroprotection**  
Inventors: Ferguson *et al.*  
Our Ref: 1669.0040001/SRL/BLS

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal (Form PTO/SB/17);
2. Amendment And Reply Under 37 C.F.R. § 1.111, including:
  - a. Copy of the return postcard, date-stamped by the U.S. Patent and Trademark Office as having received, on October 2, 2001, the items listed thereon, including the 49 references cited in the Information Disclosure Statement;
  - b. Copy of Document AC1 (U.S. Patent No. 5,565,483) and Document AR2 (Bains, J.S. and Ferguson, A.V., *NeuroReport* 8:2101-2105 (1997));
  - c. Copy of Form PTO-1449 pages wherein references AC1 and AR2 are cited;
3. First Supplemental Information Disclosure Statement and Fee Under 37 C.F.R. § 1.97(c)(2);
4. Form PTO-1449 (4 sheets) and accompanying (9) references;

Commissioner for Patents

June 11, 2002

Page 2

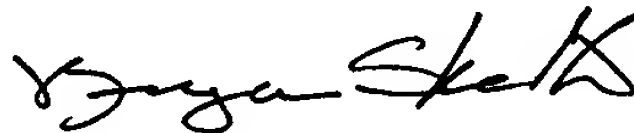
5. Return postcard; and
6. Our check no. 35471 for \$180.00 to cover the fee for submission of an Information Disclosure Statement (37 C.F.R. § 1.17(p)).

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



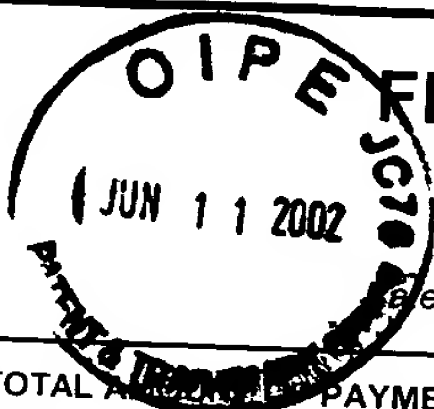
Bryan L. Skelton  
Agent for Applicants  
Registration No. 50,893

BLS/dab

Enclosures

\\ODMA\MHODMA\SKGF\_DC1;23217;1





# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT DUE PAYMENT (\$180.00)

## Complete if Known

Application Number 09/817,229  
Filing Date March 17, 2001  
First Named Inventor Ferguson et al.  
Examiner Name Chernyshev, Olga N.  
Group Art Unit 1646  
Attorney Docket No. 1669.0040001/SRL/BLS

## METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number 19-0036  
Deposit Account Name Sterne, Kessler, Goldstein & Fox P.L.L.C.

- ☐ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

- ☒ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☒ Other\*  
\*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) -0-

### 2. EXTRA CLAIM FEES

Extra	Fee from below	Fee Paid
Total Claims 20 - 22** = 0	X	
Indep. Claims 1- 3** = 0	X	
Multiple Dependent		

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim
108	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) -0-

\*\* or number previously paid, if greater; For Reissues, see above

### SUBMITTED BY

Name (Print/Type) Bryan L. Skelton

Signature

*Bryan L. Skelton*

Registration No. (Attorney/Agent)

50,893

### Complete (if applicable)

Telephone

202-371-2600

Date

06/11/2002

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
105	130	205	65	Surcharge - late filing fee or oath
127	50	227	25	Surcharge - late provisional filing fee or cover sheet
139	130	139	130	Non-English specification
147	2,520	147	2,520	For filing a request for ex parte reexamination
112	920*	112	920*	Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action
115	110	215	55	Extension for reply within first month
116	400	216	200	Extension for reply within second month
117	920	217	460	Extension for reply within third month
118	1,440	218	720	Extension for reply within fourth month
128	1,960	228	980	Extension for reply within fifth month
119	320	219	160	Notice of Appeal
120	320	220	160	Filing a brief in support of an appeal
121	280	221	140	Request for oral hearing
138	1,510	138	1,510	Petition to institute a public use proceeding
140	110	240	55	Petition to revive - unavoidable
141	1,280	241	640	Petition to revive - unintentional
142	1,280	242	640	Utility issue fee (or reissue)
143	460	243	230	Design issue fee
144	620	244	310	Plant issue fee
122	130	122	130	Petitions to the Commissioner
123	130	123	130	Petitions related to provisional applications
126	180	126	180	Submission of Information Disclosure Stmt
581	40	481	40	Recording each patent assignment per property (times number of properties)
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))
179	740	279	370	Request for Continued Examination (RCE)
169	900	169	900	Request for expedited examination of a design application

Other fee (specify):

Other fee (specify):

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00

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